

PATENT
Attorney Docket No. 207596
DHHS Ref. No. E-200-1998/0-PCT-03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Erickson et al.

Group Art Unit: 1648

Serial No. 09/720,276

Examiner: S. Foley

Filed: March 7, 2001

Confirmation No.: 9981

For: **FITNESS ASSAY AND ASSOCIATED METHODS**

WRITTEN CONSENT OF ASSIGNEE UNDER 37 C.F.R. § 1.48(a)(5)

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The Board of Trustees of the University of Illinois (hereinafter referred to as Assignee) is an assignee of the above-identified patent application. An assignment, conveying the above-captioned application, from Arun K. Ghosh to the Assignee (submitted herewith) was executed on August 20, 2003. Assignee hereby consents to the addition of Arun K. Ghosh as an inventor in the above-captioned patent application.

Respectfully submitted,

Signature: Stephen K. Rugg

Date: September 11, 2003

Printed Name: Stephen K. Rugg

Position: Comptroller of the Board
of Trustees of the University of Illinois

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Leydig, Voit & Mayer, Ltd.
Two Prudential Plaza
Suite 4900
Chicago, Illinois 60601-6780

ASSIGNMENT

WHEREAS, I, Arun K. Ghosh, of River Forest, Illinois, am a joint inventor and own an interest in a certain invention (hereinafter referred to as Invention) entitled:

FITNESS ASSAY AND ASSOCIATED METHODS

for which Invention the following applications for a U.S. patent have been executed:

- (a) U.S. Provisional Patent Application No. 60/090,393, filed on June 23, 1998;
- (b) International Application No. PCT/US99/14119, filed on June 23, 1999, claiming priority to U.S. Provisional Patent Application No. 60/090,393; and
- (c) U.S. Patent Application No. 09/720,276, filed on December 21, 2000, which is the national stage of International Application No. PCT/US99/14119.

WHEREAS, the Board of Trustees of the University of Illinois (hereinafter referred to as Assignee), is desirous of acquiring my entire domestic and foreign right, title, and interest in and under the invention described in the patent applications.

NOW, THEREFORE, for good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, I assign and transfer to the Assignee and the Assignee's legal representatives, successors and assigns my full and exclusive rights in and to the Invention, including all rights of action and damages for past infringement, in the U.S. and every foreign country and the entire right, title, and interest in and to the patent applications and other such applications (e.g., provisional applications, non-provisional applications, continuations, continuations-in-part, divisionals, reissues, reexaminations, National phase applications, including petty patent applications, and utility model applications) that may be filed in the United States and every foreign country on the invention, and the patents, extensions, or derivations thereof, both foreign and domestic, that may issue thereon, and I do hereby authorize and request the Commissioner of Patents to issue U.S. patents to the above-mentioned Assignee agreeably with the terms of this assignment document.

I HEREBY AUTHORIZE the Assignee to insert in this assignment document the filing date and application number of the application if the date and number are unavailable at the time this document is executed.

UPON SAID CONSIDERATION, I convey to the Assignee the right to make application in its own behalf for protection of the invention in the U.S. and countries foreign to the U.S. and to claim under the Patent Cooperation Treaty, the International Convention and/or other international arrangement for any such application the date of the U.S. application (or any other application on the invention) to gain priority with respect to other applications.

I DO HEREBY COVENANT and agree with the Assignee that I will not execute any writing or do any act whatsoever conflicting with the terms of this assignment document set

In re Appln. of Erickson
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forth herein, and that I will at any time upon request, without further or additional consideration, but at the expense of the Assignee, execute such additional assignments and other writings and do such additional acts as the Assignee may deem necessary or desirable to perfect the Assignee's enjoyment of this assignment, and render all necessary assistance in making application for and obtaining original, continuation, continuation-in-part, divisional, reissued, reexamined, and National phase patents of the U.S. or of any and all foreign countries on the invention, and in enforcing any rights or choses in action accruing as a result of such applications or patents, and by executing statements and other affidavits, it being understood that the foregoing covenant and agreement shall bind, and inure to the benefit of, the assigns and legal representatives of all parties hereto.

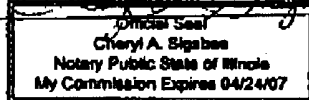
IN WITNESS WHEREOF, I have hereunder set my hand this 20th day of August, 2003.

Arun A. Ghosh
Arun K. Ghosh August 20, 2003

STATE OF Illinois)
COUNTY OF Cook) SS:

On this 20th day of August, 2003 before me, a Notary Public in and for said county, appeared _____, who is personally known to me to be the same person whose name is subscribed to the foregoing assignment document, and acknowledged that he/she signed and delivered the document as his/her free and voluntary act for the uses and purposes therein set forth.

Cheryl A. Sigbee
Cheryl A. Sigbee



Notary Public

{SEAL}

My

Commission

Expires: April 24, 2007

MAY. 5. 2004 2:16PM—LVM 312 616 5700

THE PATENT AND TRADEMARK OFFICE IS RESPECTFULLY REQUESTING THAT YOU PLACE THIS CARD AND PLACE IT IN THE OUTGOING MAIL TO SHOW THE NO. 5600 PPS WP. 20th

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For: FITNESS ASSAY AND ASSOCIATED METHODS

1. Request for Correction of Inventorship Under 37 C.F.R. § 1.48(c) with attached Certificate of Mailing (3 pgs., in duplicate)
2. Statement Under 37 C.F.R. § 1.48(c)(2) (1 pg.)
3. Combined Declaration and Power of Attorney (3 pgs.)
4. Written Consent of Assignee Under 37 C.F.R. § 1.48(c)(5) with accompanying Delegation of Authority (8 pgs.)
5. Written Consent of Assignee Under 37 C.F.R. § 1.48(c)(5) (1 pg.)
6. Assignment (2 pgs.)
7. Return Postcard

Date: September 26, 2003 (KPS:ekm)